

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

MICHAEL J. & PATRICIA A. DANIEL

DEBTORS

NOTICE OF MOTION
OBJECTION TO CLAIM #6
BK 13-11655B
CREDITOR: **Discover Student Loans**

PLEASE TAKE NOTICE that upon the annexed written Objection made by Kelly E. Coughlin, Attorney for the debtors, Michael J. and Patricia A. Daniel, and verified pursuant to Title 11 U.S.C. on the 25th day of March, 2014, the undersigned as Attorney for the Debtors, will move this Court at a Regular Motion Term thereof, to be held in and for the United States Bankruptcy Court for the Western District of New York, Part 2, on the 5th day of May, 2014 at ten o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard for an appropriate Order based upon the objection made to the allowance of claim, and for such other and further relief as to the Court may seem just and proper under the circumstances.

DATED: Buffalo, New York

March 25, 2014

TO: Hon. Carl L. Bucki, Bankruptcy Judge

United States Trustee

Discover Student Loans
PO Box 30925
Salt Lake City, UT 84130



KELLY E. COUGHLIN, ESQ.
COUGHLIN & SHONN, LLP
Attorney for Debtors
6 N Pearl Street
Buffalo, NY 14202
(716)885-1270

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

MICHAEL J. & PATRICIA A. DANIEL

DEBTORS

OBJECTION TO THE
ALLOWANCE OF CLAIM #6
PURSUANT TO RULE 3007
BK 13-11655B
CREDITOR: **Discover Student Loans**

TO: THE HON. CARL L. BUCKI, UNITED STATES BANKRUPTCY JUDGE

In accordance with the provisions of 11 U.S.C. 502(b)(5) and Rule 3007 of the Bankruptcy Code, Kelly E. Coughlin, Attorney for the Debtors, does hereby raise formal objection to the allowance of Claim No. 6, same being a claim of Discover Student Loans.

The grounds upon which the undersigned makes objection are as follows:

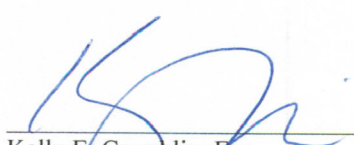
1. The Debtor, Michael J. Daniel, is the co-signer of student loans on behalf of his son, James Daniel and pursuant to NY General Obligations Law section 15-702 and UCC section 3-416, the debtor does not become obligated until the instrument is due and not paid by the primary obligor;
2. That pursuant to 11 U.S.C. 502 (b)(5), the debt is unmatured and is exempt from discharge;
3. That on March 10, 2014, I requested information regarding the status of the loan via facsimile (facsimile and verification report attached hereto), and have not received a response.
4. That upon information and belief, the loan which is the basis of this claim is in deferment.

That the undersigned hereby requests that an appropriate hearing as required by 11 U.S.C. 502 and Rule 3007(b) of the Bankruptcy Rules, on this objection, be held as set forth on the day and time stated on the annexed Notice.

I declare, pursuant to Title 11 section 1746 United States Code, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct except as to those statements made upon information and belief, and as to those statements, I believe them to be true.

Dated: Buffalo, New York

March 25, 2014



Kelly E. Coughlin, Esq.
Attorney for Debtors

TRANSMISSION VERIFICATION REPORT

TIME : 03/10/2014 11:02
NAME : MCCREADYTODARO
FAX : 8822322
TEL : 7168822300
SER.# : 000H1N938540

DATE, TIME
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COUGHLIN & SHONN, LLP
6 N. Pearl Street
Buffalo, New York 14202
Telephone: (716) 885-1270
Fax: (716) 882-2322 (*not for service*)

Kelly E. Coughlin, Esq.
Daniel D. Shonn, Jr., Esq.
Of Counsel to McCready & Todaro

Linda L. Shaver, Paralegal

FACSIMILE COVER PAGE

To: Discover Student Loans/BANKRUPTCY DIVISION
Fax: 801-996-2408
Phone: 800-618-1621
Re: Michael Daniel/13-11655
Pages: 2, including cover
Message:

To whom it may concern:

Following please find an Authorization allowing Discover Student Loans to communicate with my office as legal representatives of Mr. Daniel regarding one or more student loans held by your institution. Mr. Daniel is a co-signor for his son, James Daniel, and has requested information concerning the status of the loan. We believe the loan is presently in deferment. As of today, Mr. Daniel has not received a statement of loan status. Please forward the same to this office at your earliest convenience. My email is kellvecoughlin@gmail.com.

Thank you for your assistance and anticipated courtesy in this matter.

Very truly,

COUGHLIN & SHONN, LLP
6 N. Pearl Street
Buffalo, New York 14202
Telephone: (716) 885-1270
Fax: (716) 882-2322 (*not for service*)

Kelly E. Coughlin, Esq.
Daniel D. Shonn, Jr., Esq.
Of Counsel to McCready & Todaro

Linda L. Shaver, Paralegal

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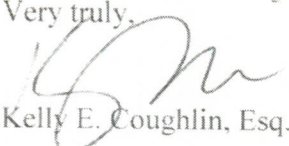
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Thank you for your assistance and anticipated courtesy in this matter.

Very truly,


Kelly E. Coughlin, Esq.

Kelly E. Coughlin: kellyecoughlin@gmail.com

Daniel D. Shonn: ddshonn@gmail.com